

**CHAPTER 7 YOUTH EMPLOYMENT: IN-SCHOOL EMPLOYMENT
PROGRAM**

700 GENERAL PROVISIONS

- 700.1 The District of Columbia's In-School Employment Program for Youth is established by §2(a)(2) of the Youth Employment Act of 1979.
- 700.2 The purpose of this program is to provide school students with subsidized part-time employment at the federal minimum wage level throughout the school year.
- 700.3 Priority shall be given to economically disadvantaged youth currently in school, but identified as potential dropouts.
- 700.4 The program shall also provide a basic and meaningful work experience to enhance a youth's future employability in the unsubsidized labor market.

701 PARTICIPANT ELIGIBILITY

- 701.1 In order to participate in the In-School Employment Program, a person shall meet all of the following basic eligibility requirements:
- (a) Be a resident of the District of Columbia; and
 - (b) Be between fourteen (14) and twenty-one (21) years of age.
- 701.2 Priority for participation shall be given to eligible District full-time students who are economically disadvantaged and identified as potential dropouts.

702 JOBS ELIGIBLE FOR INCENTIVES

- 702.1 Jobs to be approved for incentives shall meet the following requirements:
- (a) Provide for the development of job skills which lead to participants' future economic self-sufficiency;

702 JOBS ELIGIBLE FOR INCENTIVES (Continued)

702.1 (Continued)

- (b) Be designed, whenever applicable, to accommodate academic credit and its prerequisites; and
- (c) Not be subsidized at a rate which exceeds the established federal minimum wage. This requirement shall not preclude an employer from adding funds to offer a prevailing entrance wage.

702.2 Employment opportunities under this program may be provided by the District of Columbia Government, the private sector, through grants to and contracts with, non-profit or profitmaking organizations, associations, institutions, or businesses.

702.3 Participant wage rates shall be in conformity with all federal and local laws and in no event shall the wage rate be less than the higher of the following:

- (a) The minimum wage rate specified in §6(a)(1) of the Fair Labor Standards Act; and
- (b) The minimum wage rate prescribed by applicable state or District laws and regulations.

702.4 In order to assure meaningful jobs, the Director shall approve only jobs which in the Director's judgment will provide marketable skills and enhance the goals of the In-School Employment Program.

702.5 The employer shall be reimbursed at the agreed upon subsidized wage level and fringe benefits exclusive of overtime, premium pay, or other labor cost until the completion of thirty-six (36) weeks of subsidized employment or for the duration of the program whichever comes first.

702.6 Participating employers under the Act shall comply with the following laws:

- (a) The Human Rights Law of the District of Columbia;
- (b) Titles VI and VII of the Civil Rights Act of 1964;
- (c) The Equal Pay Act;
- (d) The Rehabilitation Act;
- (e) Title IX of the Education Amendments of 1972; and
- (f) Any other applicable non-discriminatory laws.

703 WORK EXPERIENCE FOR PARTICIPANTS

- 703.1 Participating employers are expected to provide participants with the same work experience and supervision provided to their regular employees.

704 AGREEMENTS WITH PARTICIPATING EMPLOYERS

- 704.1 Participating employers shall enter into a formal agreement with the Director in order to participate in the program.
- 704.2 The agreement shall contain the employer's guidelines concerning employee participants in jobs approved by the Director.
- 704.3 The agreement shall certify the employer's intention to employ participants for the entire period of program operations.
- 704.4 In addition, the participation agreement shall contain as a minimum the following elements:
- (a) A brief outline of the work experience;
 - (b) Academic credit, to be received, if applicable;
 - (c) The number of applicants to be employed;
 - (d) The method of computing, and the maximum amount of reimbursement;
 - (e) A requirement that employers are to maintain payroll records, as well as time and attendance records; and
 - (f) An assurance that the employer will comply with the Act and rules and regulations issued under the Act and other terms and conditions normally associated with employment and training agreements.
- 704.5 The Director shall agree to reimburse a participating employer as frequently as every thirty (30) days based upon the submission by the employer of a certified invoice/report in the form specified by the Director.
- 704.6 The Director shall exercise authority with respect to contracts and subgrant agreements in accordance with the delegation contained in Commissioner's Order No. 74-144.

705 TRANSFER, TRANSITION, AND PLACEMENT OF PARTICIPANTS

- 705.1 The Director may approve the transfer or re-employment of a participant; Provided, that the participant has demonstrated a good faith effort to perform all the normally required duties of an employee and provided that the participant is still in school.

705 TRANSFER, TRANSITION, AND PLACEMENT OF PARTICIPANTS
(Continued)

- 705.2 The Director shall encourage participating employers to transfer non-college bound graduating senior participants to regular fully unsubsidized employment upon graduation.
- 705.3 Employers may terminate or suspend participants for just cause, but shall consult with the Director prior to formal and final termination.
- 705.4 In the event of a transfer or termination, any unused wage subsidization funds shall automatically revert to the Director if not claimed on a certified invoice within forty-five (45) days of transfer or termination so that the Director may reallocate the unused funds for additional youth employment opportunities or other program use under the In-School Program.
- 705.5 The Director shall give first priority in funding new in-school employment opportunities to those employers who have transitioned graduating, non-college bound senior participants to regular unsubsidized employment.
- 705.6 Participating employers shall provide job placement assistance to participants whom they are unable to employ.

706 MONITORING

- 706.1 In carrying out the responsibilities under the In-School Program, the Director shall provide for a monitoring and technical assistance program utilizing Departmental staff, as well as staff of any contractual agents.
- 706.2 Monitoring shall include the periodic visitation and review of various employment sites provided by participating employers.
- 706.3 The primary objective of the monitoring program shall be to assist employers in preventing turnover and attrition of participants. In addition, the monitoring program shall assure smooth program operation and conformity with the terms, conditions and provisions of formal agreements.

707 REPORTING

- 707.1 The Director shall establish reporting systems which will include the following:
- (a) The data on the criteria for determining the eligibility of youth;

707 REPORTING (Continued)

707.1 (Continued)

- (b) The method used in selection of participants;
- (c) The job skills acquired;
- (d) The placement objectives achieved; and
- (e) The assessment of program performance.

707.2 Participating employers shall be required to cooperate in the reporting activity cited under §707.1.

708 COMPLAINT PROCEDURES

708.1 Complaints may be brought by an individual or organization including, but not limited to, the following:

- (a) Program participants;
- (b) Employers;
- (c) Contractors;
- (d) Staff of the employer;
- (e) Applicants for participation;
- (f) Labor unions; and
- (g) Community based organizations.

708.2 With the exception of complaints alleging fraud, forgery, or other criminal activity, the filing of a complaint shall be made within ten (10) days of the alleged occurrence.

708.3 Participants shall be provided, upon enrollment into the In-School Employment Program, a written description of the complaint procedures, including notification of their right to file a complaint and instructions on how to file.

708.4 The complaint resolution procedure shall include provision for the following:

- (a) Opportunity to file a complaint. Each complaint shall be writing;

708 COMPLAINT PROCEDURES (Continued)

708.4 (Continued)

- (b) Opportunity for informal resolution of the complaint;
- (c) Written notification of an opportunity for a hearing when an informal resolution has not been accomplished. The notice shall establish the procedure for requesting a hearing and shall describe the elements in the hearing procedures, including those set forth in paragraph (f) of this subsection;
- (d) Opportunity to amend the complaint prior to a hearing;
- (e) Opportunity for a hearing within twenty (20) days of filing the complaint; and
- (f) A final, written decision on the complaint which shall be made within thirty (30) days of the complaint and shall include the following:
 - (1) The reason(s) for the decision; and
 - (2) A statement that the procedures delineated in this section have been followed.

708.5 A hearing, when requested, shall be provided within twenty (20) days after filing the complaint. The hearing procedures shall include the following:

- (a) Written notice of the date, time, and place of the hearing, a description of the manner in which it will be conducted, and the issue(s) to be decided;
- (b) Opportunity to be accompanied by a representative;
- (c) Opportunity to bring witnesses and documentary evidence;
- (d) Opportunity to have relevant documents produced by the In-School Employment Program or its components;
- (e) Opportunity to question witnesses;
- (f) The right to an impartial Hearing Officer selected by the Director; and
- (g) A written decision which shall include a summary of facts, the reason(s) for the decision, and a statement of remedies to be applied.

708.6 Appeals from decisions of the Hearing Officer may be filed with the Director.

708 COMPLAINT PROCEDURES (Continued)

- 708.7 Whenever a complaint is made, it shall be investigated if it alleges that any person, participant employer, or contract is failing to comply with the requirements of the Act, a derivative agreement, or these regulations.
- 708.8 If the Director, Hearing or Investigation Officer determines that a complaint, an investigation, or testimony involves criminal activity which may violate the laws of the District of Columbia, the United States or other jurisdiction, this determination shall be communicated directly to the appropriate law enforcement agency for action.
- 708.9 Nothing in this section shall prohibit the Director from requiring that a system of grievance processing and just adjudication be implemented by employers for the use of participating youth.
- 708.10 Nothing in this section shall prohibit a participating youth from filing a complaint or request for investigations and hearings. Complaints shall be maintained in the Office of the Director.
- 708.11 Records of all investigations, hearings, complaints and request for investigation shall be maintained in the Office of the Director.

799 DEFINITIONS

- 799.1 When used in this Chapter, each of the following terms shall have the meaning ascribed:

Academic Credit - the credit for education, training or work experience applicable towards a secondary school diploma, consistent with applicable D.C. laws, regulations, and policy, and the requirements of an accredited educational agency or institution.

Act - the Youth Employment of 1979 (D.C. Law 3-46).

Alternative Working Arrangements - work schedules which deviate from the regular work week. Arrangements may include staggered hours, flexible hours, flex-time, compressed work weeks, part-time employment or job and work sharing.

Director - the Director of Employment Services or the Director's designee, contract officer, representative or contractual agents.

799 DEFINITIONS (Continued)

799.1 (Continued)

Economically Disadvantaged - a person who is one of the following:

- (a) A member of a family which receives public assistance;
- (b) A member of a family whose income during the previous six (6) months on an annualized basis was such that:
 - (1) The family would have qualified for public assistance if they had applied for the assistance;
 - (2) The income does not exceed the poverty level; or
 - (3) The income does not exceed the seventy percent (70%) of the lower living;
- (c) A foster child on whose behalf federal and District Government payments are made; or
- (d) A person whose status presents significant barriers to employment such as the following:
 - (1) A client of a sheltered workshop;
 - (2) A handicapped individual;
 - (3) A person residing in an institution or facility providing twenty-four (24) hour support, such as a prison, a hospital or community care facility; or
 - (4) A regular outpatient of a mental hospital, rehabilitation, facility or similar institution.

Family - one (1) or more persons living in a single residence who are related to each other by blood, marriage, or adoption. A step-child or step-parent shall be considered to be related by marriage.

Handicapped Individual - any person who has a physical or mental disability which constitutes a substantial barrier to employment and who can benefit from services under this program.

In-School - the status of being enrolled full-time and attending a secondary, trade, technical or vocational school. To maintain one's in-school status an individual shall be currently enrolled and in regular attendance during the semester or quarter, or have successfully completed the previous semester if applying for the In-School program after the summer vacation.

799 **DEFINITIONS** (Continued)

799.1 (Continued)

In-School Youth - a person, fourteen (14) through twenty-one (21) who is as follows:

- (a) Is currently enrolled full-time in, and attending a secondary trade, technical or vocational school; and
- (b) Has not completed high school and is attending or scheduled to attend, on a full-time basis, a program leading to a secondary school diploma. Full-time attendance shall be defined by the requirements of the D.C. Board of Education.

Job Restructuring - the procedure which includes the following:

- (a) Identifying the separate tasks that comprise a job or group of jobs;
- (b) Developing a career ladder which builds upward from the new positions containing the lesser skilled tasks to regular jobs requiring increased skills. A restructurd job differs from the original one in terms of skills, knowledge, abilities and experience needed to perform the work.

Participant - an individual who is as follows:

- (a) Declared eligible upon enrollment; and
- (b) Receiving employment and training funded under the Act following enrollment.

Participant Employers - both profitmaking and non-profitmaking persons, associations, partnerships, and corporations, as well as the District of Columbia Government and other public agencies which enter into formal agreements with the Director for participation in the In-School employment Program.

Public Assistance - a federal or District Government cash payment for which eligibility is determined by a need or income test.

Resident - a person who has permanent dwelling or home in the District of Columbia. A District resident shall also include those persons who are permanent resident aliens, or aliens who have been permitted to accept permanent employment in the United States by the U.S. Immigration and Naturalization Service.

Unsubsidized Placement - employment secured for or by a participant which is not subsidized by funds from the Act.

799 **DEFINITIONS** (Continued)

799.1 (Continued)

Work Experience - work consisting of a short-term or part-time employment assignment with an employer or employing agency. It shall be designed to enhance the employability of individuals through the development of good work habits and basic work skills. It utilized for those students who have either never worked or who have not worked for an extended period of time, such as students, youth in transition from school to employment, or youth who have no definite employment goals.